

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:06-CR-141
)	(Phillips / Shirley)
MURPHY JOSEPH KING,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter came before the undersigned on February 25, 2008, for a detention hearing. Assistant United States Attorney Tracy Stone was present representing the government. Attorney Paula Voss and Attorney Kim Tollison were present representing Defendant Murphy King, who was also present.

On February 19, 2008, Mr. King entered a plea of guilty before Honorable Thomas W. Phillips; Mr. King will be sentenced on May 22, 2008. At the time of his plea, the parties did not have an agreement as to Mr. King's detention pending sentencing and the issue was referred to this Court for determination. Mr. King was released pending trial at the time of his initial appearance on October 24, 2006, no motion to detain him having been made by the United States. Because Mr. King has entered a plea of guilty to the charge of being a convicted felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1), his request for release is governed by 18 U.S.C. § 3143.

In the Court's oral ruling, a complete review and analysis of the parties' positions, issues, and facts were stated. That specific and detailed oral ruling is attached hereto and made a part of this Order as if stated herein verbatim.

For the reasons stated therein, I find, pursuant to 18 U.S.C. § 3143(a), that the Defendant Murphy King has not met the burden of establishing by clear and convincing evidence that he is not likely to pose a danger to the community if released. I do not find that Mr. King poses a risk of flight.

It is therefore **ORDERED** that Defendant Murphy King be detained. Defendant will be committed to the custody of the Attorney General or his designated representative for confinement in a correction facility separate to the extent practicable from persons serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. Upon order of this Court or a Court of the United States or upon request of the attorney for the government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshals for the purpose of an appearance in connection with a Court proceeding.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge